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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/536,345	09/29/95	TEMPLE	S 27754/32937

MM61/0813

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EXAMINER

DALAKIS, M

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 08/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/536,345

Applicant(s)
Temple et al.

Examiner
Michael Dalakis

Group Art Unit
2851



☒ Responsive to communication(s) filed on Jun 22, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 34-45, 59-64, 67-69, 72, and 73 is/are pending in the application.

Of the above, claim(s) 20-33, 46-58, 65, 66, 70, 71, and 74 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 34-45, 59-64, 67-69, 72, and 73 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/167,894.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/167,894, filed on February 15, 1994.

Election/Restriction

2. Claims 20-33, 46-58, 65-66, 70-71 and 74 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 7.

Claim Rejections - 35 USC § 112

3. Claims 34-45 and 59-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims 34 and 59 are confusing and not understood. The phrase "poled normal thereto" could refer to a number of directions; it is not clear as to which direction this is referring. The term "channel facing surfaces" is likewise unclear. The term "the channel spacing" lacks antecedent basis in the claims. The phrase "disposed parallel with and...closure sheet to the channels" is unclear and not understood by the examiner. In general, the independent claims seem unorganized and written in a hodge-podge manner, making them difficult to understand.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34-45, 59-64, 67-69 and 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Temple ('028) in view of Bartky et al. Temple teaches a high density multi-channel array, electrically pulsed droplet deposition apparatus comprising a plurality of modules

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each including a layer of piezo-material poled normal thereto, a channel for ink droplets, separating walls, electrodes, a channel closure sheet, a nozzle plate and means for supplying liquid to the channels. Bartky teaches a multi-channel array comprising a plurality of modules including a channel and separating wall wherein separating wall surface has an electrode which causes the wall to eject droplets upon shearing, a channel cover sheet having electrodes opposite the channel, drive circuits connected to electrodes, and a manifold. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bartky into those of Temple, for the motivation, as suggested by Bartky, of providing an ink jet actuator having improved efficiency.

Conclusion


6. This is a CPA of applicant's earlier Application No. 08/536,345. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Dalakis at telephone number (703)305-3307. The examiner can normally be reached Monday through Thursday from 6:30 AM to 5:00 PM. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703)308-1436. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature as to the status of this application should be directed to the Group receptionist at (703)308-1782.

MD

August 12, 1998


EDDIE C. LEE
PRIMARY EXAMINER